

REMARKS/ARGUMENTS

Claims 1-24 are pending in this application. Claims 1-24 are rejected. Claims 1-24 have been amended. No new matter has been added.

Rejections Under 35 U.S.C. 112

Claims 1-24 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The Examiner asserts that "it is unclear as to whether the applicant is claiming system or method claims, thereby making all claims and the scope of the invention unclear." Applicant has amended the preamble of claims to particularly point out and distinctly claim the subject matter. Specifically, Applicant has amended claims 1-24 to more accurately reflect the *methods* for the efficient utilization of a vehicle sharing system, as described in the specification..

Rejections Under 35 U.S.C. 102(b)

Claims 5, 6, 21 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimada *et al.* (U.S. Patent No. 6,125,306, hereafter "Shimada"). However, Shimada discloses *a system and method to minimize forwarding costs and/or transport costs of the vehicles, not a dynamic fee system and method for determining such to optimize inventory*, as claimed by Applicant. (See Applicant Specification, p.8, ¶4 – p.9, ¶2, and Figs 3, 4).

For claims 5 and 6, Applicant traverses the rejection, at the very least, because Shimada does not disclose "determining a base fee for the use of a vehicle when the departure port is at optimum inventory / determining a base fee for the use of a vehicle when the destination port is at optimum inventory." The Examiner cites to Col. 12, ll. 22-28, and states that Shimada discloses, in relevant part, "a forwarding plan to minimize the forwarding cost based on the results of the pallet supply and demand prediction" as an optimal forwarding plan of pallets. As such, the Examiner asserts that the minimizing costs of Shimada represents Applicant's "base fee."

However, Applicant discloses that the base fee is determined based on optimum inventory at any given departure or destination port to be used in a dynamic fee system. This is not disclosed in Shimada, which by contrast, is limited to teaching "setting up a forwarding plan to forward pallets between a plurality of distribution bases where pallets are in shortage at

minimum cost.” (See Shimada, Specification, col. 3, ll. 25-31 and Abstract). Applicant submits that the “minimum cost” of Shimada is calculated only to determine how pallets in excess can be forwarded from bases to other bases where pallets are in shortage, which is not consistent with Applicant’s disclosure of a “base fee,” which is determined based on a user request to relocate between any departure port and any destination port, varying dynamically based on optimum inventory. (See Applicant Specification, p.7, ¶¶1-3). Furthermore, the “base fee” can be calculated using a “user demand method” and/or a “parking capacity method” (See *id.*), which also is not disclosed in Shimada. Therefore, Applicant respectfully submits that the “minimized costs” of Shimada does not represent the “base fee” as disclosed by Applicant.

For at least these reasons, Applicant respectfully submits that claims 5 and 6 are not anticipated by Shimada *et al.* Claims 21 and 24 depend from claims 5 and 6, respectively, and are allowable for at least the same reasons.

Rejections Under 35 U.S.C. 103(a)

Claims 1-4, 7-20, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada *et al.* (U.S. Patent No. 6,125,306, “Shimada”).

For claims 1-4, Applicant traverses the rejection, at the very least, that Shimada does not disclose “determining a base fee for the use of a vehicle when the departure port is at optimum inventory / determining a base fee for the use of a vehicle when the destination port is at optimum inventory.” The Examiner maintains that the minimizing costs of Shimada represents Applicant’s “base fee,” citing Shimada at Col. 12, lines 22-28.

As set forth above, and reiterated here, Applicant respectfully submits that the “minimum cost” of Shimada is calculated only to determine how pallets in excess can be forwarded from bases to other bases where pallets are in shortage, which is not consistent with Applicant’s disclosure of a “base fee,” which is determined based on a user request to relocate between any departure port and any destination port, varying dynamically based on optimum inventory. (See Applicant Specification, p.7, ¶¶1-3). Furthermore, the “base fee” can be calculated using a “user demand method” and/or a “parking capacity method” (See *id.*), which also is not disclosed in Shimada. Therefore, Applicant respectfully submits that the “minimized costs” of Shimada does not represent the “base fee” as disclosed by Applicant.

For at least these reasons, Applicant respectfully submits that independent claims 1-4 are patentable over Shimada *et al.* Claims 7-18 depend from independent claims 1-4 and are

10 of 12

Atty. Docket No. 23484-032

Application No. 10/072,418

Reply to Office Action of Nov. 28, 2005

20152548.1

allowable for at least the same reasons. In addition, claims 19-20 and 22-23 depend from independent claims 5 and 6, respectively, and are allowable for at least the same reasons.

CONCLUSION

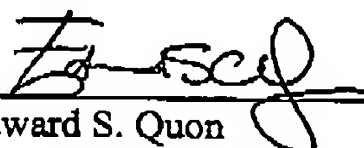
For the above reasons, the Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (650) 812-1371 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F. R. § 1.16 or § 1.17 to Deposit Account No. 50-1847.

Respectfully submitted,

DATED: March 28, 2006

Customer No. 33614



Edward S. Quon
Registration No. 52,144
MANATT, PHELPS & PHILLIPS LLP
1001 Page Mill Road, Building 2
Palo Alto, California 94304
(650) 812-1371 Telephone
(650) 213-0280 Facsimile